
Appeal Decisions

Site visit made on 9 July 2019

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/D0840/W/19/3220406
Easterly Cottage, Poughill, Bude, EX23 9EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Sarah Banning against the decision of Cornwall Council.
 - The application Ref PA18/02731, dated 9 March 2018, was refused by notice dated 21 November 2018.
 - The development proposed is to replace old log burning stove and install flue to required standard.
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Appeal Ref: APP/D0840/Y/19/3220412
Easterly Cottage, Poughill, Bude, EX23 9EU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Sarah Banning against the decision of Cornwall Council.
 - The application Ref PA18/04264, dated 9 March 2018, was refused by notice dated 21 November 2018.
 - The works proposed are to replace old log burning stove and install flue to required standard.
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Decisions

1. Both appeals are dismissed.

Preliminary Matters

2. I noted on my site visit that the flue has been inserted. I have therefore determined the appeals on the basis that the development/works have already occurred.
3. The appellant has stated that the Council suggested that the flue could be painted black or that it could be encased in masonry as an extension of the existing chimney stack during the determination of the planning and listed building consent applications. At that stage she did not wish to consider those alternatives. However, she is now prepared to amend the scheme to include either of these alternatives. Nonetheless, the appeal process should not be used to evolve a scheme and I cannot be certain that no party would be prejudiced by my consideration of these alternative schemes. As such, I have dealt with the scheme on the basis of the development/works that have occurred.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. However, the relevant section to these appeals has not materially altered. As such, in the

circumstances of this case I do not consider that it is necessary to seek the further views of the parties. I am required to consider the appeal on the basis of the current Framework.

Main Issue – both appeals

5. The main issue is whether the development and works: preserve the grade II listed building (listed as Burshill Cottage, Mandalay and Easterly Cottage) or any features of special architectural and historic interest it possesses; preserve the character or appearance of the Poughill Conservation Area (PCA) and cause any harm to the significance of the designated heritage assets.

Reasons

6. The appeal property is part of a terrace of cottages that together form a grade II listed building. The terrace is adjacent to one of the main thoroughfares that runs through PCA. The list description states that the building dates from the late 17th Century with later alterations and additions. The building is of whitewashed cob and masonry and has a thatch roof. From the details available to me and my own observations I consider that the significance and special interest of the listed building is largely derived from its age, form, historic fabric and architectural features including its substantial projecting chimney stack. As such, it has historic, evidential and aesthetic value.
7. From my observations and the details available to me including the Poughill Conservation Area Appraisal (PCAA), I consider that the significance of PCA is mainly drawn from the predominantly rural character and range of traditional buildings that it contains, together with its use of materials, pattern of development and the relationship of the buildings to the picturesque sloping topography they sit within. The listed building is sited in a prominent location within PCA and its aesthetic value provides a positive contribution to the character, appearance and significance of PCA.
8. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
9. The Council have not raised any objections to the replacement of the log burning stove itself and I have no reason to dispute this finding. The metal flue associated with the log burning stove is located partially within the existing chimney stack. However, to ensure that the top of the flue is a minimum of 1.8 metres above the thatch the flue extends a considerable distance above the top of the chimney stack.
10. I acknowledge that the substantial projecting stack that is alongside the gable of Easterly Cottage would, in my experience, be associated with a taller masonry chimney stack. In addition, there are other flues/pots on the other chimney stacks on this listed building. However, the metal and height of the appeal flue mean that when viewed from both near and distant viewpoints it appears as an alien and obtrusive addition above the thatch roof and looks completely out of place when seen in conjunction with the traditional construction of the chimney stack. Moreover, when approaching the listed

building from the east, along the highway, the visual impact of the flue is exacerbated due to the sloping topography. As a result, the flue visually competes with and diverts attention away from the traditional vernacular architecture of the cottage and erodes its aesthetic value.

11. There are other flues, television aerials and satellite dishes in PCA. However, I did not see any flues that are directly comparable to the appeal flue. Moreover, given my findings above in relation to the special interest and significance of the listed building the adverse effect of the proposal would also diminish the appeal building's contribution to the character, appearance and significance of PCA.
12. Taking into account all of the above the proposal would materially harm the special interest and significance of the listed building and, similarly, in turn, would incur harm to the character, appearance and significance of PCA. As such, the proposal would be contrary to the expectations of the Act and I must attach considerable importance and weight to these considerations when reaching my decision. In the language of the Framework, it would result in less than substantial harm to the significance of the heritage assets. In those circumstances, paragraph 196 of the Framework says that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. I am conscious that the height of the flue is recommended to minimise the risk of fire associated with the thatch roof and that the log burner has been chosen to provide a low carbon energy source. I also note that the building is rented out as holiday accommodation. To an extent the enhancement of the beneficial use of the listed building can be treated as a public, as well as a private, benefit. However, there is little evidence to indicate that other low carbon energy sources could not be used to provide heat within the cottage. Moreover, in my experience, a flue of the design and materials of that installed is not the only way to modify the existing chimney stack to ensure that the fire risk is minimised. Therefore, the public benefits have modest weight.
14. Even though I have found that the harm to the heritage assets is less than substantial it is not to be treated as a less than substantial objection to the proposal. I consider that the modest weight of the public benefits does not justify or outweigh the harm I have identified to the heritage assets. As such, the proposal would not comply with section 16 of the Framework.
15. It would also conflict with Policies 12 and 24 of the Cornwall Local Plan and Policy 23 of the Bude-Stratton Neighbourhood Development Plan. These policies seek, amongst other things, that development maintains and enhances Cornwall's distinctive historic character, sustains designated heritage assets and that development within the Conservation Areas and affecting the listed buildings of Bude, Poughill and Stratton will be required to demonstrate how it enhances the heritage, conservation and amenity value of these areas/buildings. As a result, the proposal would not be in accordance with the development plan as a whole.
16. These policies pre-date the publication of the 2019 version of the Framework. However, paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior the publication of the revised Framework. Taking into account this paragraph I

consider that these policies are broadly consistent with the revised Framework. Consequently, the conflict with these policies has significant weight.

Other matters

17. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

D. Boffin

INSPECTOR